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D.B. CIVIL SPECIAL APPEAL NO.37/07.
[RAMDEV & ANR. VS. STATE & ORS.]

DATED : 09.02.2007

HON'BLE MR. RAJESH BALIA, J.
HON'BLE MR. CHATRA RAM JAT, J.

Mr.Rajesh Panwar for appellant.

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Heard learned counsel for the appellant.

The appeal is directed against the order of the learned Single Judge whereby interim relief has been refused.

From the perusal of the impugned order dated 18.10.2005 and the submissions made in the writ petition it appears that while under instructions dated 21.06.1996 issued by the office of Chief Engineer petitioners land was included in Chak 4 B.K.M though it was not part of it. The petitioner appellant without securing proper approval of the construction of water course and alignment with the outlets for the purpose of securing water for the irrigation of land has started drawing water from the outlet meant for providing irrigation to Chak 4 B.K.M.

In these circumstances when complaint was made to the Additional Chief Engineer by the residents of Chak 4 B.K.M. he has set aside the order of including land in question in the Chak 4 B.K.M.

The Additional Chief Engineer also found that certain agriculturists assuming imaginary numbers of Murrabas which really are part of barani land had illegally connected themselves with outlet for Chak 4 B.K.M. which was meant only for 60.5 Bigha land. Those agriculturists be immediately disconnected with water and be restrained from drawing illegal water. Apparently, the petitioners land fell, according to the order and the averments made in the petition, in last category.

In these circumstances, we do not find any error in the order of learned Single Judge in refusing to grant interim relief. If there is a factual error about the description of appellants land in the order of Additional Chief Engineer, they are free to make an appropriate application for securing correction by placing material before the Additional Chief Engineer.

The appeal is dismissed in limine.

[CHATRA RAM JAT], J. **[RAJESH BALIA], J.**

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